

Kenneth J. Flickinger
Direct Dial: (914) 286-2817
kflickinger@eckertseamans.com

April 23, 2018

Via ECF

Hon. Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Izmirligil v. Select Portfolio Servicing, Inc.
Case No.: 17-CV-06157 (JFB) (AYS)

Dear Judge Bianco:

As you will recall, this office represents the defendant Select Portfolio Servicing, Inc. ("SPS"), in the above-referenced matter. Please accept this correspondence as a response to the documents submitted by David Singer, Esq., counsel for plaintiff, Dr. Arif Izmirligil, during oral arguments on April 16, 2018. A copy of the documents were filed via ECF on April 18, 2018 (Doc. No. 22).

Upon review of the documents submitted by Mr. Singer, it is apparent that the charge in the amount of \$7,443.00, does not represent a charge for lender placed insurance ("LPI"). The LPI charges at issue in this case are represented on the Financial Breakdown Summary ("FBS"), annexed to the declaration of Kenneth J. Flickinger submitted in support of defendant Select Portfolio Servicing, Inc.'s ("SPS") motion to dismiss, as Exhibit "G" thereto. For the Court's convenience, a copy of the FBS from the Flickinger Declaration is annexed hereto as Exhibit "A". The LPI charges at issue in this case totaled \$7,343.00, calculated as follows:

- \$2,508.00 on 1/14/14
- \$836.00 on 2/5/14
- \$836.00 on 3/10/14
- \$836.00 on 4/1/14
- \$836.00 on 5/6/14
- \$836.00 on 6/3/14
- \$836.00 on 6/30/14
- a credit of \$181.00 on 7/14/14

The charge in the amount of \$7,443.00 represented on the documents submitted by plaintiff's counsel at oral arguments on April 16, 2018, represents the Corporate Advance Balance.

Corporate advance is a disbursement for servicing-related expenses rather than escrow expenses, paid with servicer funds that are to be recovered from the borrower. The Corporate Advance Balance is calculated as follows:

- Prior Servicer-FC ATTY FEES = \$3,750.00
- Prior Servicer-FC COSTS = \$1,123.00
- Prior Servicer-PROP INSPECTION = \$126.00
- Prior Servicer-TITLE CURE COSTS = \$577.33 (later credited back to account)
- FC COSTS = \$152.50
- PROP INSPECTION = \$15.00
- PROP VALUATION = \$89.00
- FC COSTS = \$187.50
- FC ATTY FEES = \$2,000.00

It is coincidental that the amount of the Corporate Advance Balance and the amount of the LPI charges are off by exactly \$100.00. The LPI charges have been removed from plaintiff's mortgage loan account. The documents submitted by plaintiff's counsel show completely different charges from the LPI charges, and do not raise an issue of fact regarding the removal of the LPI charges from plaintiff's mortgage account.

Please advise the understand if you have any questions, or require any further information.

Respectfully,

/s/ Kenneth J. Flickinger

Kenneth Flickinger, Esq.